



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष २, अंक १३०]

गुरुवार, ऑक्टोबर ६, २०१६/आश्विन १४, शके १९३८

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असाधारण क्रमांक २५८

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

MEDICAL EDUCATION AND DRUGS DEPARTMENT

Mantralaya , G. T. Hospital Campus, 9th Floor,
Lokmanya Tilak Marg, Mumbai 400 001, dated the 6th October 2016.

NOTIFICATION

MAHARASHTRA UNAIDED PRIVATE PROFESSIONAL EDUCATIONAL INSTITUTIONS (REGULATION OF ADMISSIONS AND FEES) ACT, 2015.

No. CET 3516/CR.171/16/Edu-2.—In exercise of the powers conferred by section 23 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (Mah. XXVIII of 2015), the Government of Maharashtra hereby makes the following rules to regulate admissions to the First Year of full time Professional Ayurved, Unani and Homoeopathy Post-graduate Courses, namely :—

1. *Short title and Commencement.*— (i) These rules may be called the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admission to the Post-graduate Ayurved, Unani and Homoeopathy Courses) Rules, 2016.

(ii) They shall come into force with effect from the date they are published in the *Gazette*.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires :—

(a) “Act” means the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (Mah. XXVIII of 2015);

(b) “Admission Reporting Institution” means the institution where the Candidate shall report for confirmation of admission by submission of documents and payment of fees;

(c) “Application Form” means the prescribed form to be filled up online or offline by the candidate for admission to the Courses as defined in clause (f);

(d) "CAP Seats" means the seats filled in through the Centralized Admission Process (CAP) carried out by the Competent Authority;

(e) "the CET" means the Common Entrance Test (CET) conducted for admission to the Courses under these rules;

(f) "the Courses" means the Post-graduate Ayurved, Unani and Homoeopathy Courses, as the case may be, conducted in the state as per the approval of the CCIM or the CCH.

(g) "the CCH" means the Central Council of Homoeopathy constituted under the Homoeopathy Central Council Act, 1973 (No. 59 of 1973) ;

(h) "the CCH regulations" means the regulations of the Central Council of Homoeopathy made for the purposes of the Courses;

(i) "the CCIM" means the Central Council of Indian Medicine constituted under the Indian Medicine Central Council Act, 1970 (48 of 1970) ;

(j) "the CCIM regulations" means the regulations of the Central Council of Indian Medicine made for the purposes of the Courses;

(k) "Document Verification Centre" means the city or town where the document verification is conducted;

(l) "Eligible Candidates" means the candidates who are eligible for different professional courses as notified by the Government, from time to time, under sub-section (1) of Section 3 of the Act;

(m) "Internship" means the compulsory rotating internship to be completed as per rules or regulations of the Central Council of Indian Medicine (CCIM) or the Central Council of Homoeopathy (CCH) and the Maharashtra Council of Indian Medicine (MCIM) or the Maharashtra Council of Homoeopathy (MCH) and the concerned University;

(n) "*inter-se-merit*" means the order of merit in respect of various classes, category and candidature types of the Candidates determined by following the CET merit in accordance with these rules;

(o) "Institutional Quota" means the seats available for admission to eligible Candidates at Institution level as declared by the State Government or the appropriate authority, from time to time;

(p) "Minority Quota" means the seats earmarked for the Minority Community students from within the State, belonging to the Minority Community to which the institution belongs;

(q) "the MUHS" means the Maharashtra University of Health Sciences established under sub-section (1) of section 3 of the Maharashtra University of Health Sciences Act, 1998 (Mah. X of 1999);

(r) "Qualifying Examination" means B.A.M.S or B.H.M.S or Graded B.H.M.S. or B.U.M.S. degree examination, as the case may be, and the qualification mentioned in Second Schedule appended to the Central Council of Indian Medicine Act, 1970 (48 of 1970) or the qualification mentioned in Second Schedule of Homeopathy Central Council Act, 1973; as may be applicable;

(s) "Registration" means the registration of the qualification either with the CCIM or the CCH or the Maharashtra Council of Indian Medicine or the Maharashtra Council of Homoeopathy after completing one year compulsory rotatory internship.

(2) Words and expressions used in these rules but not defined hereinabove shall have the same meanings as respectively assigned to them in the Act.

3. *Invitation of Application form.*—The Competent Authority shall invite online or offline Applications Form, in the form prescribed by it, from the candidates for participating in Common Entrance Test (CET) for seeking admission to the Courses for which State CET is required for the respective academic year.

4. *Declaration of Medium, Pattern, Syllabus, Schedule etc. of Common Entrance Test (CET).*— (1) Subject to the CCIM regulations or CCH regulations, as the case may be, if any, the Competent Authority shall, for the purpose of conducting the Common Entrance Test (CET), declare the following :—

- (a) Medium of CET;
- (b) Pattern of CET;
- (c) Mode of CET;
- (d) Schedule of CET;
- (e) Issue of Hall Ticket;
- (f) Declaration of Result, etc.;

(g) The detailed schedule regarding the Centralized Admission Process (CAP) rounds, admission on the basis of Institutional quota, admission by Minority Educational Institution, and other matter relating to admission;

(h) Any other matter which is, or may be, necessary for the purposes of conducting the CET.

(2) The Syllabus relating to the CET shall be declared by the Competent Authority in consultation with Maharashtra University of Health Sciences (MUHS).

5. Candidature Type.-

(1) Maharashtra State Candidature.—

Eligibility Criteria

*For Postgraduate Ayurved Courses :—*All candidates, who have passed final B.A.M.S. examination and whose qualification mentioned in the Second Schedule appended to the Indian Medicine Central Council Act, 1970 (48 of 1970) and are enrolled under Parts “A”, “A-1”, “B”, “C” Schedule appended to the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961).

For Postgraduate Homoeopathy Courses.— A candidate who has passed the final B.H.M.S. Examination or equivalent qualification in Homoeopathy included in the Second Schedule to the Homoeopathy Central Council Act, 1973 (59 of 1973) are only eligible or equivalent qualification in Homoeopathy included in the Second Schedule to the Act after undergoing a course of study of not less than 2 years duration (Graded B.H.M.S. degree) and have completed one year compulsory rotatory internship before the commencement of first round of CAP.

*For Postgraduate Unani Courses.—*A person holding degree of Bachelor of Unani Medicine and Surgery (BUMS) or equivalent degree from a recognized institution included in the Second Schedule of Indian Medicine Central Council Act, 1970 (48 of 1970) and enrolled in the State Register of Indian systems of medicine and have completed one year rotatory internship before the commencement of CAP shall be eligible for admission to the postgraduate course.

(2) *Minority Candidature.*—The Maharashtra domiciled Candidates belonging to a particular linguistic or religious Minority Community from within the State fulfilling eligibility criteria as per sub-rule (1) of rule 5 are eligible under this Category.

6. *Sanctioned Intake Seats for various Courses.*— The Sanctioned Intake for the First Year of the Courses shall be as per the approval given by the appropriate authority which is competent for giving approval to respective courses and affiliation given by the respective affiliating University.

7. *Allocation of Seats.*— The percentage of allocation of seats for various types of candidates through CET for First Year of the Courses shall be as per the CCIM regulations or the CCH regulations and in accordance with the policy of the Government as specified in Schedule appended to the rules :—

(1) *Maharashtra State Candidature Seats.*—The Candidates having Maharashtra State Candidature as specified in *sub rule (1) and (2)* of rule 5, shall be eligible for these seats.

(2) *Minority Quota Seats.*—The Candidates having Candidature mentioned in sub rule (2) of rule 5, shall be eligible for these seats as specified in Schedule. These seats shall be filled in accordance with the provisions of sub-section (2) of section 6, of the Act.

(3) *Institutional Quota Seats.*—The Institution can admit Eligible Candidates against 15 percent of the Sanctioned Intake, as per the Schedule, subject to the condition, that the candidates who have appeared for the CET and who are otherwise eligible for admission to the Postgraduate Course as per the CCIM Regulations or CCH Regulations, as applicable, shall be eligible for these seats.

8. *Preparation of Merit List.*—(1) *Assignment of merit number.*—The Competent Authority shall evaluate the answer sheets of the candidates and declare the result or marks scored by candidate at CET. The final State merit list shall be generated after completing procedure of verification of marks.

(2) *Method of calculating marks at qualifying examination for deciding eligibility.*—While deciding the eligibility of the Candidates following procedure shall be adopted, namely :—

(a) To be eligible for selection to the Ayurved Postgraduate Courses as decided by the CCIM Regulations, a candidate belonging to the General category must secure not less than 50 percent marks and candidate belonging to Constitutional Reservation category must secure not less than 40 percent marks at CET.

(b) To be eligible for selection to the Homoeopathic Postgraduate courses, as decided by the CCH regulations.

(c) To be eligible for selection to the Unani Postgraduate courses, as decided by the CCIM regulations.

(3) *Assignment of Merit Number for various Courses.*—(i) *For admission to First Year Postgraduate Ayurved & Unani Courses* the merit list for the Candidates shall be prepared on the basis of marks or score secured by the Candidate in the CET conducted by the Competent Authority for the purpose of admission to these Courses for the given academic year :—

Provided that, in case of tie, the relative merit of Candidates shall be resolved in the following order of preference and the methodology as specified below :—

In case of two or more candidates obtaining equal marks in the CET, the inter-se-merit of such candidates will be determined in the order of preference as under :

(a) the candidate with higher aggregate marks (converted into percentage) at First, Second and Third B.A.M.S. or B.U.M.S. Examination taken together shall be preferred. If the tie still persists,

(b) the candidate with higher aggregate marks (converted into percentage) at Third B.A.M.S. or B.U.M.S. Examination shall be preferred. If the tie still persists,

(c) the candidate with higher aggregate marks (converted into percentage) at Second B.A.M.S. or B.U.M.S. Examination shall be preferred. If the tie still persists,

(d) the candidate with higher aggregate marks (converted into percentage) at First B.A.M.S. or B.U.M.S. Examination shall be preferred. If the tie still persists,

(e) an older candidate shall be preferred over a younger candidate.

(f) While considering First, Second, Third B.A.M.S. or B.U.M.S. marks and aggregate for above purpose, grace marks and/or National Service Scheme (NSS) marks will not be taken into account.

(ii) *For admission to First Year Postgraduate Homoeopathic Courses* the merit list for the Candidates shall be prepared on the basis of marks or score secured by the Candidate in the CET conducted by the Competent Authority for the purpose of admission to these Courses for the given academic year:

Provided that, in case of tie, the relative merit of Candidates shall be resolved in the following order of preference and the methodology as specified below :—

In case of two or more candidates obtaining equal marks in the CET, the *inter-se-merit* of such candidates will be determined in the order of preference as under :—

(a) The candidate with higher aggregate marks (converted into percentage) at First, Second, Third and Final BHMS taken together shall be preferred. If the tie still persists,

(b) The candidate with higher aggregate marks (converted into percentage) at final BHMS Examination shall be preferred. If the tie still persists,

(c) The candidate with higher aggregate marks (converted into percentage) at Third BHMS Examination shall be preferred. If the tie still persists,

(d) The candidate with higher aggregate marks (converted into percentage) at Second-BHMS Examination shall be preferred. If the tie still persists,

(e) An older candidate shall be preferred over a younger candidate.

(f) While considering First, Second, Third and Final BHMS marks and aggregate for above purpose, grace marks and/or National Service Scheme (NSS) marks will not be taken into account.

9. *Centralised Admission Process (CAP)* – (1) The Unaided Private Professional Educational Institution shall admit Candidates through the Centralised Admission Process (CAP) as referred in sub-section (3) of section 3 of the Act. The stages of CAP shall be as stated below,—

(a) Display or Publication of college wise, subject wise and category wise distribution of seats on website;

(b) Display or Publication of Time Schedule and Venue for preference form filling process on website;

(c) Display or Publication Brochure of Preference Form filling and counselling process for admission to Courses;

(d) Verification of documents and endorsement of eligibility of the successful candidates for the admission process at the document verification centres i.e. Mumbai, Nanded and Nagpur followed by filling up of Preference Form by the eligible candidates;

(e) Display or Publication of allotment of seats for Round-I of CAP by way of computerised process and joining of the candidates at respective institution as per the allotment within stipulated time;

(f) Display or Publication of subsequent computerised round(s) if seats remain vacant after completion of CAP Round-I.

(2) Candidate will be given a chance to retain a seat that has been allotted, by way of status retention form at the end of each CAP round. If a Candidate accepts the offered seat that would mean that he or she does not want to participate in any further rounds of seat allocation. Such Candidates shall not be considered in subsequent rounds of admission.

10. *CAP allotment stages and process of allotment.*—Allotment of seats under CAP shall be made in the following manner,—

(1) Maharashtra State Candidature -The stages of computerised allotments are as follows—
Stage-I: For all the Candidates.—

(a) All the Candidates belonging to various categories shall be considered for allotment of seats as per their *inter-se-merit*.

(b) The Minority category candidates shall be considered for allotment in open category seats by virtue of their *inter-se-merit* and in Minority Quota seats by virtue of merit in their respective Minority community to which the institution belongs.

(c) Backward Class Category Candidates shall be considered for allotment in Open Category seat by virtue of their *inter-se-merit* or in their respective Category of reservation, if Open Category seats are not available at their merit.

(d) SBC Category Candidates shall be considered for allotment in Open Category seat by virtue of their *inter-se-merit* or in OBC Category of reservation, if Open Category seats are not available at their merit.

Stage –II: For respective groups of Backward Class Category Candidates.-*inter-se-merit* amongst the reserved categories will be operated at the end of each round if necessary against the unfilled reserved categories seats as per merit and choice of the reserved categories candidates. The seats remaining vacant from various categories shall be filled in during *inter-se-merit* admission process as follows :—

From among the candidates of their respective group from the *inter-se-merit* list of that particular group where the vacancies exist.

The groups may be as follows and may be modified by the authority granting the admission as per policy of reservation of State Government, existing at the time of admission :—

GROUP - I

- (i) Scheduled Castes and Schedule Caste converted to Buddhism (S.C.)
- (ii) Scheduled Tribes including those living outside specified area (S.T.)

GROUP - II

- (i) Vimukta Jati (DT) (A)
- (ii) Nomadic Tribes (NT(B))

GROUP - III

- (i) Nomadic Tribes (NT(C))
- (ii) Nomadic Tribes(NT(D))
- (iii) Other Backward Classes (OBC) including SBC

Stage-III : For all Backward Class Category Candidates.-If the seat reserved for group of Backward Class Category Candidate remains vacant, such seat shall be considered for allotment to the Candidate of *inter-se-merit* of all Backward Class Category candidates taken together.

Stage-IV: If the seat reserved for Backward Class Category Candidate remains vacant, such seat shall be considered for allotment to the Candidate of General *inter-se merit*.

(2) *Minority Candidature* - The stages of computerised allotments are as follows—

(a) The Minority category candidate shall be considered for allotment in Open category seats by virtue of their *inter-se-merit* and in Minority Quota seats by virtue of merit in their respective minority community to which the institution belongs.

(b) For Minority seats *inter-se-merit* will be operated at the end of each round if necessary, against the unfilled minority category seats as per merit.

(c) If minority category list has exhausted and seats for minority still remain vacant, such seats shall be allotted to general student category in the same or subsequent round.

11. *Allotment of seats by CAP Computerized round and CAP Personal Preference Round.*—All the CAP Rounds shall be conducted by computerized allotment :—

(a) If the seat remains vacant due to non-allotment and non-reporting for admission, or any other reason, such seat shall be considered for allotment in subsequent round.

(b) Final personal preference round shall be conducted for the unfilled seats. The preferences filled by the candidates shall be null and void for this personal preference round.

All those candidates shall not be eligible for this personal preference round, -

(i) Who have not filled preference form; or

(ii) To whom a seat has been allotted in computerized CAP round(s) and not joined; or

(iii) Who have filled status retention form.

(c) After completion of final personal preference round, if cut-off-date for admission is extended by C.C.I.M. or Ministry of AYUSH, New Delhi, then one more personal preference round will be conducted by Competent Authority if such situation arises.

12. *General provisions.*—(a) Allotment of the subsequent computerized round (s) shall be on the basis of same preferences submitted by the candidate during preference form filling process.

(b) All the candidates who have filled a preference form and a seat has not been allotted shall be eligible for the subsequent computerized round(s).

(c) All the candidates who have filled a preference form and a seat has been allotted and joined the course and not filled the status retention form shall be eligible for the subsequent computerized round(s).

(d) All the candidates who have filled a preference form and a seat has been allotted and joined the course and filled the Status retention form shall not be eligible for the subsequent computerized round(s).

(e) The allotment list displayed on website shall show the allotment offered to the Candidates. No personal communication or allotment letters in this regard shall be issued to the Candidates.

(f) All the candidates to whom a seat has been allotted on the basis of Merit-cum-preference shall have to compulsorily join the college and course so allotted within prescribed period by completing the requisite formalities of submitting all relevant original documents and paying prescribed fees in the concerned institution. In case he or she does not join the course, he or she shall not be eligible for subsequent admission process.

(g) Failure to report in person for seat acceptance shall be considered as if the candidate has rejected the offer.

(h) Allotted Seat shall be cancelled if at any time, any of the documents or certificates is found to be invalid or fraudulent and/or the Candidate does not meet the eligibility norms.

13. *Admissions in Institutional Quota and vacant seats after CAP.*—The Dean or Principal of the institution shall carry out the admissions for these seats in the following manner :—

(a) Admissions shall be made in a transparent manner and strictly as per the State Merit of the candidate who have applied to the institution.

(b) Information brochure or prospectus of the Institution which specifies rules of admission should be published well before the commencement of the process of admission. All the information in the brochures should also be displayed on the Institution's website.

(c) Institution shall invite applications by notifying schedule of admission and the number of seats in each course to be filled by the institution, by advertisement in at least two leading newspapers and on the website of the institution.

(d) Aspiring candidates fulfilling the eligibility criteria as notified by the Government and specified by the appropriate authority, from time to time, shall apply to the Principal of the respective institution for admission at the Institution level.

(e) The institution may give admission to the applicants on the basis of their State Merit derived from the Merit list declared by the Competent Authority for filling the seats in the Institutional quota. Provided that, where the appropriate authority specifies that such admissions shall be based on the basis of CET, in that case the Institutional quota shall be filled on the basis of State Merit.

(f) The institution shall prepare and display the State Merit lists of the candidates to be filled in at the institution level, in the Institutional quota and shall publish the same on the website of the institution.

(g) The Minority or Non-Minority institution intending to surrender the Institutional quota (in part or full) of specified courses to the CAP shall communicate at least one week before the display of seat matrix of each CAP Round and the same shall be allotted as per the rules of CAP.

(h) All the admissions and cancellations shall be communicated to the Competent Authority within the prescribed period given by the Competent Authority, from time to time.

(i) If any CAP seat remains or become vacant after the CAP Rounds, then the same shall be filled in by the Candidate from the same Category for which it was earmarked during the CAP. Further if the seats remain/become vacant after Personal Preference round then the seats shall be filled on the basis of *inter-se-merit* of the applicant.

14. *Institution Level Round* - If the seats remain vacant after all CAP Rounds, the said seats shall be filled in by the institution through Institution Level Round with the prior approval of the Competent Authority. The institute will invite applications from desirous candidates who are declared eligible in the CET. The admission shall be granted by the institution strictly on the basis of *inter-se merit* of the CET.

15. *Approval of Merit List and the Admitted Candidates List* - (1) After completions of Admission process, every Unaided Private Professional Educational Institution shall submit the Admission- approval proposal to the Admission Regulating Authority in accordance with the sub-section (5) of section 9 of the Act.

(2) The Admission-approval proposal shall include the list of all Candidates admitted which shall have the quota, Candidature Type, Reservation, Qualification Marks, etc. as well as the required documents of the Candidates admitted at institution level.

16. *Refund of fees after cancellation of admission by Institutions—*

(a) Refund of fees by the college after change of college, course or cancellation of admission :

(1) On or before such date as may be declared by the competent authority - Rs.1500/- (Rs. One Thousand Five Hundred only) to be deducted and rest of the fees which is entitled to be refunded to the candidate, shall be refunded immediately.

(2) After such date as may be declared by the competent authority - No refund.

(b) If a candidate expires or becomes unfit to undergo the Courses as per CCIM or CCH norms and decided by notified Medical Board within three months from the date of admission, full refund shall be made.

17. *Change of Course or Institution* - After cut-off date of admission, change of Course or Institution is not permitted on mutual basis.

18. *Conduct and Discipline—*(a) Failure of the candidate in making full and correct statements in the application form and/or suppression of any information would lead to disqualification of the candidate, even at later date. Such a candidate will be debarred from the entire selection process.

(b) It is responsibility of every candidate to submit proper documents. Any attempt to submit documents which are not genuine will lead to cancellation of the admission of the candidate, forfeiture of the fees, deposits and expulsion of the candidate from the college by the Competent Authority or by his authorised official. The name of such candidate/s shall be deleted from the State Merit List and he or she will not be eligible for further rounds of the selection process and will be debarred from the selection process.

(c) If any candidate or authorised representative or person accompanying is found obstructing the counselling and/or admission process, or trying to influence in unlawful manner/ creating nuisance, the candidate shall be liable for disqualification from the process of selection and appropriate legal action will be taken. The decision taken by the Competent Authority in this respect shall be final and binding.

(d) Maharashtra University of Health Sciences, Nashik shall take the decision regarding eligibility, enrolment and registration and granting of the term of selected candidates. The selection of a candidate by the Competent Authority at a later date does not place any onus to accord approval for grant of term.

(e) Canvassing directly or indirectly for the allotment of seat would disqualify the candidate for admission. Influencing the staff by unfair means, will lead to cancellation of allotted seat and such candidate will also face disqualification for appearance in the subsequent Ayurved or Unani and Homoeopathy Postgraduate CET examination.

(f) In case of dispute in the matter of allotment of seat/course/institution or any other matter pertaining to the provisional selection or cancellation of admission, the decision of the Competent Authority shall be final and binding.

Schedule
(See rule 7)

Sr. No.	Type of Institution	Percentage of seats to be filled through the State Common Entrance Test Cell	Institutional Quota
(1)	(2)	(3)	(4)
(A) Postgraduate Ayurved & Unani Courses			
1.	Unaided Private Professional Institutions (excluding minority Institutions)	85%	15%
2.	Unaided Minority Education for minority community, Institutions	85% However unfilled seats will be filled by Non-minority Candidates	15%
(B) Postgraduate Homoeopathic Courses			
1.	Unaided Private Professional Institutions (excluding minority Institutions)	85%	15%
2.	Unaided Minority Education for minority community, Institutions	85% However unfilled seats will be filled by Non-minority Candidates.	15%

By order and in the name of the Governor of Maharashtra,

ANJALI V. AMBHIRE,
Deputy Secretary to Government.